

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

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**STRATAGENE CORPORATION,**  
a Delaware Corporation,

*Plaintiff,*

v.

**THIRD WAVE TECHNOLOGIES, INC.**  
a Delaware Corporation,

*Defendant.*

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) Civil Action No. 05-275-SLR  
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) JURY TRIAL DEMANDED  
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**STIPULATION AND ORDER TO AMEND SCHEDULING ORDER**

IT IS HEREBY STIPULATED AND AGREED, subject to the approval and order of the Court, that the November 29, 2005 Scheduling Order is amended as follows:

2(d): If willfulness has been asserted and absent agreement among the parties, defendant must inform plaintiff as to whether it intends to rely on advice of counsel by **November 2, 2006**. If the decision is to rely on such advice, the scope of discovery shall include the materials provided by defendant to its counsel and whatever other materials related to the issues in dispute that defendant had in its possession at the time the advice was sought.

2(f)(1): The court shall conduct in-person discovery status conferences on **October \_\_, 2006** at \_\_\_\_, the time to be allocated equally among the parties.

All other deadlines as set forth in the Court's November 29, 2005 Scheduling Order shall remain in full force and effect.

Dated: October 10, 2006

/s/ David E. Moore

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*Counsel for Defendant  
Third Wave Technologies, Inc.*

**SO ORDERED** this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Judge Sue L. Robinson

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